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Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: Fontrell Baines

Case Number: 2:14CR00036

Name of Sentencing Judicial Officer: Honorable Andrew P. Gordon

Date of Original Sentence: October 30, 2014

Original Offense: Felon in Possession of Firearm

Original Sentence: 30 Months prison, followed by 36 Months TSR.

Date of Prior Revocation: February 1, 2017

Revocation Sentence: Time Served, followed by 30 Months TSR.

Date Supervision Commenced: February 17, 2017

PETITIONING THE COURT

To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Do Not Unlawfully Use Controlled Substance** - You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.
 - A. On June 17, 2017 at 4:55 p.m. the offender reported to Westcare facility for urinalysis testing. Mr. Baines attempted to subterfuge his drug test by using a device during his

RE: Fontrell Baines

Prob12C
D/NV Form
Rev. March 2017

testing. He possessed what appeared to be a condom and attempted to pour the contents of the condom into the test cup, but the device spilled. When Mr. Baines was caught doing this, he offered the subject taking his urinalysis test a bribe to give him a negative result of this drug test, but was refused.

The offender, by committing subterfuge during the drug testing process, refused to comply with drug testing. Pursuant to 18 U.S.C. § 3583(g)(3), revocation is mandatory for refusing to comply with drug testing.

- B. On June 19, 2017, the offender reported to the probation office for a urinalysis test which tested positive for opiates. This sample was subsequently confirmed positive for codeine and morphine.
- C. On June 24, 2017, Mr. Baines reported for drug testing. The offender once again attempted to subterfuge his drug test by using a device during his testing on a second occasion. The offender had a clear thin tube on the left side of his waist, standing close to the far wall of the testing area angled towards the corner, where the offender was concealing the tube with this left hand.

The offender, by committing subterfuge during the drug testing process, refused to comply with drug testing. Pursuant to 18 U.S.C. § 3583(g)(3), revocation is mandatory for refusing to comply with drug testing.

- D. On April 10, 2017, Mr. Baines did not report for urinalysis testing as required. He was instructed to report to the probation office on April 11, 2017. He reported on this date but provided a diluted sample, which could not be tested for illicit substances.
-
- 2. **Reside in a Residential Re-entry Center - You shall reside at and participate in the program of a residential re-entry center for a period of 3 months as approved and directed by the probation officer.**

On February 1, 2017 the offender was revoked and he was sentenced to 3 months custody, with credit for time served. As a condition of his release, Baines was required to reside at the Residential Re-entry Center (RRC) for a period of three months.

During his time at the RRC his travel passes were limited due to his lying about the places he actually went too. On April 12, 2017, his supervising probation officer called

RE: Fontrell Baines

Prob12C
D/NV Form
Rev. March 2017

the offender and spoke with him about providing an invalid urinalysis the previous day. The offender stated that he was still in bed. The RRC has a strict policy that all residents are not to have smart phones in their bunks and any cell phone must be registered with the facility.

A search of the offender's bunk area was conducted by the RRC staff. An iPhone 6 was located and a Samsung Galaxy phone was also located. The SIM card was removed by the offender from the iPhone so its contents could not be reviewed. The Samsung phone was password protected and the offender stated that he didn't know the password. Both phones were confiscated by RRC staff.

U.S. Probation Officer Recommendation:

The term of supervision should be:

Revoked

I declare under penalty of perjury that the information contained herein is true and correct,

Executed on June 26, 2017


Benjamin Johnson
2017.06.27
11:02:34 -07'00'

Benjamin B. Johnson
Supervisory United States Probation Officer

Approved:



Todd Fredlund
2017.06.27 10:00:38
-07'00'

Todd F. Fredlund
Supervisory United States Probation Officer

RE: Fontrell Baines

Prob12C
D/NV Form
Rev. March 2017

THE COURT ORDERS

- No Action.
- The issuance of a warrant.
- The issuance of a summons.
- Other:



Signature of Judicial Officer

6/27/2017

Date

RE: Fontrell Baines

Prob12C
D/NV Form
Rev. March 2017

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. FONTRELL BAINES, 2:14CR00036

SUMMARY IN SUPPORT OF PETITION FOR WARRANT
June 26, 2017

On October 30, 2014, the offender was sentenced in the District of Nevada to 30 months custody and 3 years supervised release for committing the offense of Felon in Possession of a Firearm. His supervised release commenced on June 24, 2016. On February 1, 2017, his supervised release was revoked due to his use of controlled substances. Additionally, the revocation petition alleged that the offender was abusing his prescription medication (Promethazine) and was found possessing this substance by local police. He was sentenced to credit time served and 30 months supervised release.

As previously stated the offender attempted to subterfuge his drug test on two different occasion and bribe the technician taking the drug test from the offender on the first occasion. Following the offender's testing at the facility he followed up both tests with positive tests for opiates.

The offender continues to perform poorly on supervision. While housed at the RRC he would have an exotic dancer drop off large sums of cash and buy expensive jewelry all while reported being unemployed. Baines was robbed in front of the RRC facility, it is believed in large part, due to his extravagant jewelry and large amount of cash he was known to carry. Further, as stated in the petition, he failed to follow the rules of the RRC by lying about places he actually went too. Consequently, his movement in the community was restricted. Additionally, he was found to possess two (2) cellular phones, against RRC rules and was uncooperative when his supervising PO attempted to preview the devices. As result of the above, a modification request was submitted to the court on April 14, 2017.

Mr. Baines continues to fail to follow the conditions of supervision by abusing controlled substances in two different terms of his supervision. It also appears he is involved in other illicit activity which cannot be substantiated at this time. He continues to be unaccountable for his actions and refuses to comply with the conditions set forth by the court. As result of his actions, revocation of supervision is warranted. Pursuant to 18 U.S.C. § 3583 (g)(3), refusal to comply with drug testing requires mandatory revocation. Mr. Baines refuses to comply with drug testing by attempting to use a device to avoid detection of drug use, on not only one (1), but on two (2) different occasions. For these reasons, a warrant is respectfully requested. It is further requested that Mr. Baines be detained pending his final revocation hearing.

RE: Fontrell Baines

Prob12C
D/NV Form
Rev. March 2017

Respectfully submitted,

Benjamin Johnson Benjamin Johnson
2017.06.27
11:02:14 -07'00'

Benjamin B. Johnson
Supervisory United States Probation Officer

Approved:

Todd Fredlund

Todd Fredlund
2017.06.27
10:00:59 -07'00'

Todd F. Fredlund
Supervisory United States Probation Officer